

# SENATE RECORD VOTE ANALYSIS

105th Congress  
2nd Session

Vote No. 225

July 22, 1998, 10:24 p.m.  
Page S-8770 Temp. Record

## COMMERCE-JUSTICE-STATE/Taping of Phone Conversations

**SUBJECT:** Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for fiscal year 1999 . . . S. 2260. Bumpers amendment No. 3263.

### ACTION: AMENDMENT REJECTED, 50-50

**SYNOPSIS:** As reported, S. 2260, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for fiscal year 1999, will provide a total of \$33.239 billion in new budget authority, which is \$1.115 billion more than appropriated for fiscal year (FY) 1998 and is \$3.647 billion less than requested. The bill contains large spending increases for various law enforcement activities.

**The Bumpers amendment** would make it a Federal crime to intercept (tape) a telephone communication unless all parties to that communication gave prior consent to such interception. Exceptions would be made for law enforcement agencies, intelligence agencies, and employers who were engaged in the lawful monitoring of their employee's communications during the course of their duties. Also, an exception would be made if the person intercepting the communication was a party to it and the communication conveyed a threat of physical harm, harassment, or intimidation.

**Those favoring** the amendment contended:

In approximately 15 States it is illegal to tape a phone conversation without the permission of the people having that conversation. In every other State it is perfectly legal. We are deeply offended by that fact. When people talk on the phone, they automatically assume that what they say is private. They should be able to make that assumption. People should not have to couch everything they say in the same diplomatic language that they would use if they knew it were being recorded. Some Senators may think that this amendment has been introduced because of the tape recordings that Linda Tripp made of her conversations with Monica Lewinski. Those conversations were in regard to Monica Lewinski and President Clinton, and directly bear on charges that

(See other side)

YEAS (50)			NAYS (50)			NOT VOTING (0)	
Republicans (6 or 11%)	Democrats (44 or 98%)		Republicans (49 or 89%)	Democrats (1 or 2%)		Republicans (0)	Democrats (0)
Chafee	Akaka	Inouye	Abraham	Hutchison	Moynihan		
Coats	Baucus	Johnson	Allard	Inhofe			
Coverdell	Biden	Kennedy	Ashcroft	Kempthorne			
Hutchinson	Bingaman	Kerrey	Bennett	Kyl			
Jeffords	Boxer	Kerry	Bond	Lott			
Snowe	Breaux	Kohl	Brownback	Lugar			
	Bryan	Landrieu	Burns	Mack			
	Bumpers	Lautenberg	Campbell	McCain			
	Byrd	Leahy	Cochran	McConnell			
	Cleland	Levin	Collins	Murkowski			
	Conrad	Lieberman	Craig	Nickles			
	Daschle	Mikulski	D'Amato	Roberts			
	Dodd	Moseley-Braun	DeWine	Roth			
	Dorgan	Murray	Domenici	Santorum			
	Durbin	Reed	Enzi	Sessions			
	Feingold	Reid	Faircloth	Shelby			
	Feinstein	Robb	Frist	Smith, Bob			
	Ford	Rockefeller	Gorton	Smith, Gordon			
	Glenn	Sarbanes	Gramm	Specter			
	Graham	Torricelli	Grams	Stevens			
	Harkin	Wellstone	Grassley	Thomas			
	Hollings	Wyden	Gregg	Thompson			
			Hagel	Thurmond			
			Hatch	Warner			
			Helms				

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

President Clinton may be guilty of perjury and obstruction of justice. However, we are not supporting this amendment as a means of attacking Linda Tripp for gathering that evidence against the President. The truth is that we have been pushing for a Federal law on this subject for many years. We first introduced an amendment on this subject in 1984, after we had learned that Charles Wick, who was then head of the United States Information Agency, had taped approximately 80 of his phone conversations without telling the people with whom he was talking. Those people included Presidents Carter and Reagan. We do not think that this amendment should be controversial. We urge its adoption.

**Those opposing** the amendment contended:

We have some empathy for the principle that is being advanced, but the means being used to advance it is extremely suspect. This type of a change should not be made after just a few cursory minutes of debate on the Senate floor. We should hold hearings to craft the language carefully to make certain that we define, exactly and clearly, under what situations a person may tape a phone conversation without informing the other party to that conversation, and under what situations taping should be prohibited. Further, we should make very clear the type of notice that must be given, and the type of permission that must be granted. Our colleagues, though, have not followed the normal deliberative process that one would expect. Instead, they have just rushed to the floor with their amendment. Perhaps it is just a coincidence that they have offered this amendment at the same time that taped phone conversations by Linda Tripp are causing a considerable amount of public comment because they may implicate the President of the United States in felonies. Coincidence or not, the juxtaposition cannot be ignored. Passing this amendment would be perceived more as a comment on current events than on the principle involved. For that reason, we urge the rejection of this amendment.